

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alton Rodgers,)	
)	No: 2:14-cv-923-RMG
Plaintiff)	
)	ORDER
)	
v.)	
)	
City of North Charleston;)	
North Charleston Police Department;)	
Sheriff Al C. Cannon,)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge recommending that the Court dismiss the Plaintiff's Complaint, without prejudice and without service of process. (Dkt. No. 20). Plaintiff has not filed any objections to the Magistrate Judge's recommendation. For the reasons set forth below, the Court agrees and ADOPTS the R & R as the order of the Court. Accordingly, this matter is dismissed without prejudice.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee note). Moreover, in the absence of specific objections to the R &

R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).


Discussion

Plaintiff, Alton Rodgers, is an inmate at the MacDougall Correctional Institution of the South Carolina Department of Corrections. Plaintiff alleges that Defendants are liable for False Arrest, False Imprisonment, and/or violation of Due Process of Law. (*Id.* at 2, 4). For the reasons stated in the R & R, the Court agrees with the Magistrate Judge that the claims against Sheriff Al C. Cannon are barred by Eleventh Amendment immunity and that Plaintiff has failed to state a claim against the City of North Charleston and the North Charleston Police Department. Plaintiff's claims are also barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

Conclusion

The District Court **ADOPTS** the Magistrate Judge's R & R, (Dkt. No. 20), as the order of the Court. Accordingly, Plaintiff's Complaint is **DISMISSED** without prejudice and without service of process.

AND IT IS SO ORDERED



Richard Mark Gergel
United States District Court Judge

June 6, 2014
Charleston, South Carolina